

Business Roundtable Meeting Notes October 30, 2002

Meeting Attendees: G. Ezovski, G. Benik, J. Boehnert, K. Camp, A. Foss, M. Geisser, R. Main, J. Martiesian, T. Martiesian, J. Meyer, M. Viera, J. Moran, K. Crawley, J. Campbell, P. Harley, A. Willaghby, J. Andrews

DEM: J. Reitsma, R. Gagnon, A. Good, J. Keller, S. Majkut, B. Migliore, F. Vincent, M. Dennen, L. Hellested, T. Getz

II Old Business

The July Meeting notes were approved without any revisions.

The Director opened the meeting with the following remarks about the budget. He was concerned with the situation developing with the Environmental Police Officers. A number of veteran officers are retiring, and failure to fill these vacancies could pose safety issues in the parks next summer. He also mentioned that the Office of Compliance and Inspections is not up to full strength and there could be a problem with permit compliance activities. The director thought the business community should follow the budget process. Further budget cuts will affect the delivery of services in some programs. He mentioned that unless vacancies are filled, there could be increases in permit backlogs in a number of programs. DEM would not be able to meet the need for timely permitting decisions.

Gary indicated that the Department of Administration is responsible for contract negotiations and the concerns of agencies are not always addressed in these negotiations. The current personnel management system should be changed to be more responsive to the needs of the agencies.

1. Mercury Update

Beverly Migliore provided an update on DEM's efforts on this subject. They indicated that a lot of work has been ongoing to develop regulations required by the 2001 Mercury Education and Reduction Act. This new law aims to curb the amount of mercury added to consumer products sold in Rhode Island. The RI Mercury Advisory Working Group has met monthly to review and discuss draft regulations. DEM has also been coordinating its efforts with other states to minimize conflicts with regulations between the states.

To date, the draft regulations include requirements for:

- Product notification,
- Restrictions on mercury-added novelties,
- Mercury-added product phase outs and exemptions,
- A disposal ban on mercury added products, requirements for the collection of mercury-added products, and
- Limitations on the sale and use of elemental mercury.

DEM expects to publish a public notice of these regulations by November 12, 2002 with the expectation of a January 1, 2003 promulgation date.

Another group, composed of members of state and local agencies, non-governmental agencies, dental representatives and others has been working on non-regulatory outreach approaches to promote

mercury reduction. This group has been arranging mercury product and elemental mercury collections from RI schools and homeowners, and is drafting a document on mercury reduction in homes. Additional funds are being sought to expand the education and outreach programs. This group has also been very actively working with the RI Dental Association to implement a voluntary Best Management Program for dental mercury.

The RI Chemical Safe Schools is working to provide ongoing training to RI School District personnel on the safe handling of chemicals in their workplace. This group is composed of members of DEM, DOH, Education and Labor and Training and is working with representatives from area colleges and universities. In addition to training personnel in overall safe handling procedures, each workshop provides a specific section on elimination of mercury-added products. These training opportunities have been well attended and have already helped the DEM identify and mitigate some chemicals of immediate concern from local schools. Beverly mentioned that there would be a Safe Laboratory Management training opportunity offered on November 13 that will target maintenance workers and school teachers.

DEM is assisting the Department of Administration in the implementation of policies and procedures that give preference to the purchase of equipment, supplies and other products that do not contain mercury-added compounds or components.

In a similar cooperative effort, DEM will be working with the Department of Health to educate healthcare facilities about new requirements for disclosure of mercury-added formulated products. Manufacturers are now required to inform customers of the mercury content of their products.

2. DEM 2004 Budget Update

Fred Vincent began the discussion and mentioned that the state Revenue Committee will meet in November. Based on these projections, the budget may need to be reworked. The Director mentioned that he was concerned with the TMDL program. He thought additional cuts in this program would be a problem and that DEM needs to develop assessments in a lot of areas. Gary Ezovski mentioned that if it were not for environmental laws a lot of the representative sitting around this table would not be working. Environmental issues have changed over the last thirty years. States have gained a lot of experience and the issues have become more sophisticated. Business is interested in a clean environment, but there is a need for clear regulatory guidance.

The director mentioned that DEM could improve its enforcement efforts, but are limited due to staff size. He thought that a fair enforcement program helps to level the playing field and allows companies who are in compliance to be rewarded for their actions. He did indicate that technical assistance is woefully inadequate and the Pollution Prevention program was reduced by \$200,000. The business community should focus on this issue since it has an impact on the services DEM provides to them.

3. Brownfields Grant Program Update

Joonu Noel Andrews from the EPA Region I office provided an update on a number of EPA grant programs. She mentioned that a new Brownfields Act was signed into law on January 11, 2002. The Act authorized \$250M of which \$50M would be used for state sites. She also mentioned that sites contaminated with petroleum products would be eligible for up to \$50 M of funding. She mentioned the following EPA programs:

- **Assessment Grant Program**

Applicants may submit either community-wide or site-specific proposals. A site-specific proposal is one in which the funding will be used primarily for environmental assessments at specified sites, whereas a community-wide proposal is one in which funding will be used for environmental assessment and/or other activities, such as an inventory of Brownfields sites.

- **Targeted Brownfields Assessment (TBA) Program**

One of EPA's non-grant programs is the Targeted Brownfields Assessments Program (TBA). EPA conducts TBAs on behalf of municipalities or non-profits. This is a "grant of services" where an EPA contractor performs the site assessment. The purpose of a TBA is to minimize the uncertainties associated with actual or perceived contamination that complicates the redevelopment of vacant or underutilized properties.

The director mentioned that the grant programs are a good idea, but DEM needs additional resources to increase its involvement in this expanded program. DEM, in some cases need to be able to cover administrative expenses of the program. He also mentioned that DEM staff is reviewing the grants for possible DEM involvement.

4. Greenhouse Update

Janet Keller provided the group with an update of program activities. She mentioned that there was going to be a November 14 meeting where energy and environmental issues would be discussed. This group will be investigating tax credits for energy efficiency that could be used to offset costs of the program. She mentioned that DEM was looking for the support of the business community to move this program forward. The director mentioned that the group would be brainstorming ways to fund this approach. He thought that this should not be a state initiative, but a non-profit organization could also lead the effort. Gary mentioned that there should be an open dialog on this topic. In order to move forward there needs to be a balance between environmental benefits and the cost of the program. He thought there were business opportunities in the Greenhouse Gas Program and there could be a net savings for industry if it is done right.

III. New Business

1. Drought Update

Kathy Crawley from the Water Resources Board and Jim Campbell of the USGS provided the group with an update on the drought. Jim indicated that precipitation was above normal in September and October and surface water flows were back to normal. The Scituate Reservoir was at a historic low level this summer and remains low. Ground water in most places in the state, except Washington County, was normal and recovering. Jim thought it was time to think about conservation measures. He said our resources were being stretched and if we are not proactive, water prices will increase.

Kathy thought the existing plan was more of a response plan rather than a drought mitigation plan. She thought tough issues still needed to be resolved like water allocation. She mentioned there is a subcommittee working on this issue and is she looking for additional business representation on the working group. She mentioned that the group is looking at a water registration and reporting system, long term stream flow and in-stream monitoring capabilities among other things.

The director thought there was a parallel between Greenhouse Gasses and water shortages. In both cases we should be doing something now to reverse the trends. It is more cost-effective to make changes now; future measures will only be more expensive to implement. We should be looking at covenants and should try to avoid the regulatory approach. Some watersheds are short of water and we need to start developing water budgets. Water use by farmers is an important issue and needs to be addressed.

Gary Ezvoski indicated that the Pascoag well contamination issue shows how fragile the resource is and in many areas there is no backup water supply systems. He also expressed concern over deep rock wells because they use water from areas that could be far away. He also thought the business community should be involved with the process to make sure the regulatory process that may be developed makes sense.

2. Air Toxics Discussion

Steve Majkut briefed the group on the revision to the state air toxics regulation. He recognized that a stakeholder group should have been used to revise the regulations. He said Air Resources has proposed an amendment to Regulation No. 22 that would expand the list of air toxics to include:

- All 188 HAPs,
- The 47 substances for which EPA and/or the State of California have derived inhalation health benchmarks, and
- Seventeen substances that have been evaluated in Rhode Island air permit reviews.

DEM is proposing to update the AALs for all of the listed air toxics to reflect the current state of knowledge about the toxicity of those pollutants.

Steve thought that lowering the thresholds would impact more facilities. The use versus emit issue needs to be addressed. He also mentioned data quality is an issue. If the data quality is good DEM could calculate emissions and this would not have to be done by facilities.

Steve said there will be a meeting on November 12, 2002 to discuss the proposal. The Office is requesting comments on whether the regulation as developed is causing unintended consequences. He also wanted to have a discussion on the use versus emission issue and the one-hour minimum quantity threshold.

Greg Benik had some questions on how the regulations apply; risk assessment and background. He also requested that a stakeholder group be used. Steve Majkut replied that the comment period has been extended and the program will make a decision to meet with a stakeholder group after the November meeting. The director also said that if we are collecting information concerning air emissions, we should also be looking at cross-media transfers.

3. Hazardous Waste Generators Fees

Leo Hellested provided an update on the hazardous waste generator fees. He mentioned a stakeholder process was used to develop a proposal. The task force reviewed an initial DEM proposal and agreed with the concept with a few minor modifications. The final proposal includes the following features:

- Each generator of hazardous waste will pay a Hazardous Waste Generation Fee of 2 cents per pound or 16 to 20 cents per gallon depending on the density.
- The fee is payable to the transporter by the generator.
- The transporter will pay the Department for all eligible waste accepted within a calendar month and is due on the last day of the following month.

Leo mentioned there would be a hearing on this issue on November 21. DEM is working to have the proposal effective January 1, 2003.

4. Open Forum

Greg Benik wanted to thank Ron Gagnon and Ted Burns on helping him with a facility that was covered under the RI Environmental Compliance Incentive Act. Greg mentioned that there are two kinds of penalty calculations made. One for the gravity of the incident and the other for the economic benefit achieved for non-compliance. Greg mentioned the Act allows the gravity part of the penalty to be dropped.

5. Future Topics

Update on dredging
Environmental Results Program Discussion for Tanks

6. Next Meeting - February 26, 2003